

UNITED STATES OF AMERICA )  
 )  
v. ) Case No. 6:20-CR-8  
 )  
NATHAN SAMUEL ARTHURS )  
 )

## UNITED STATES' PROFFER OF FACTS IN SUPPORT OF GUILTY PLEA

This proffer of facts summarizes the facts and circumstances surrounding the criminal conduct of the defendant NATHAN SAMUEL ARTHURS (herein, “ARTHURS”), that is at issue in this case. Had this case proceeded to trial, the United States would have proven these facts beyond a reasonable doubt. This proffer of facts does not necessarily contain all of the information obtained during this investigation and applicable to an accurate Presentence Report and Sentencing Guidelines calculation.

1. On or about May 7, 2019, in the Western District of Virginia, ARTHURS transferred a machinegun conversion device to Malik Simpson, in violation of 18 U.S.C. § 922(o).

2. The Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”) obtained a search warrant from the Honorable Magistrate Judge Joel C. Hoppe for two Facebook accounts belonging to Malik Simpson.

3. Those records revealed a conversation on May 7, 2019 where an account belonging to ARTHURS had contact with an account belong to Malik Simpson. In the conversation, ARTHURS and Simpson negotiated the price of a machinegun conversion device.

Simpson asked ARTHURS for an attachment for a “glock.” ARTHURS asked which type of Glock Simpson had. Simpson responded he had a “22& 19,” referring to types of Glock handguns.

4. ARTHURS stated he would sell the attachment for \$50 and show Simpson how to put it on and off. Simpson instructed ARTHURS to come to an address in Lynchburg, Virginia, in the Western District of Virginia.

5. ARTHURS and Simpson exchanged messages coordinating ARTHURS’s arrival. ARTHURS stated, “I’m on the second floor.” Simpson stated, “Coming up now.”

6. In a subsequent conversation, Simpson asked ARTHURS to send a video of him “shooting it.” ARTHURS sent Simpson a video where an individual whose face is obscured is firing a handgun fitted with a machinegun conversion device that rendered the handgun as a fully automatic machinegun.

7. On July 28, 2019, officers of the Lynchburg Police Department encountered Malik Simpson and found him in possession of a Glock 19 handgun fitted with a machinegun conversion device.

8. The device recovered on this date was a firearm described in 26 U.S.C. § 5845(a), specifically, a “machinegun.” The device further complied with the definition of 26 U.S.C. § 5845(b) of a “machinegun.”

9. On June 30, 2020, the ATF arrested ARTHURS pursuant to an arrest warrant arising from the indictment in this case. ARTHURS was read his rights under *Miranda* and agreed to speak with the ATF. ARTHURS admitted to owning machinegun conversion devices.

ARTHURS confirmed that he was the individual in the video shooting the handgun fitted with the machinegun conversion device

10. ARTHURS provided ATF with consent to search his apartment. ARTHURS identified where there was an additional machinegun conversion device, which was then seized by the ATF.

11. The device recovered on this date was a firearm described in 26 U.S.C. § 5845(a), specifically, a “machinegun.” The device further complied with the definition of 26 U.S.C. § 5845(b) of a “machinegun.”

The actions taken by ARTHURS as described above were taken willfully, knowingly, and with the specific intent to violate the law. ARTHURS did not take those actions by accident, mistake, or with the belief that they did not violate the law.

Respectfully submitted,

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